HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19180 of 2006

Dated:15.09.2006

Between:

Smt.Beeraka Bhramani and another.

…Petitioner

and

The Mandal Revenue Officer.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19180 of 2006

ORDER:

The two petitioners purchased an extent of about Acs.57.00 of land in Survey Nos.41, 46, 48, 49, 52 etc., situated at Buddibanda Village of Ravikamatham Mandal of Visakhapatnam District under registered sale deeds. They allege that before purchasing the land they made enquiries to ensure that the land is not assigned land. Be that as it is, the respondent herein initiated action under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and by orders dated 02.02.2006 directed resumption of the land for contravention of the provisions of the Act. Aggrieved by the same, the petitioners herein filed an appeal before the Revenue Divisional Officer, Visakhapatnam, in February 2006. They also sought for stay, which was rejected by proceedings dated 14.02.2006. They therefore filed two Writ Petitions, being W.P.No.4567 of 2006 (by the first petitioner) and W.P.No.4519 of 2006 (by the second petitioner). This Court disposed of both the Writ Petitions by two separate orders on 09.03.2006 directing the Revenue Divisional Officer to consider and dispose of the appeal filed by the petitioners within a period of ten weeks from the date of receipt of a copy of the said order and also ordered *status quo* as on that day.

The respondent herein issued auction notice on 30.08.2006 proposing to auction usufruct of Cashew and Mango gardens in

respect of which, the petitioners claim ownership. That auction is scheduled on 16.09.2006 at Kavagunta Village Panchayathi Office. Aggrieved by such auction, the present Writ Petition is filed.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that the Revenue Divisional Officer rejected the request of the petitioners for stay on 14.02.2006, but even before that, on 03.02.2006, the Mandal Revenue Officer resumed possession from the petitioners. Therefore, he submits that so as to avoid any damages to the crop in the land, it is proposed to auction the same. He, however, does not dispute that the appeal before the Revenue Divisional Officer, Visakhapatnam, is still pending.

In the background as above, to safeguard the interest of the petitioners, this Court is of considered opinion that the Revenue Divisional Officer should dispose of the matter within a period of one week from the date of receipt of a copy of this order. If any auction is conducted, the same shall not be confirmed and the same shall be subject to the orders that may be passed by the Revenue Divisional Officer.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

15.09.2006

Note: 1. Issue operative portion of the order
by wire at party's costs.

2. Despatch a copy of this order to the
Revenue Divisional Officer,
Visakhapatnam.

B/o.

vs